

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jarrold Whitfield)	C/A No. : 3:07-2674-GRA-JRM
)	
Plaintiff,)	
)	
vs.)	
)	ANSWER ON BEHALF OF
Beaufort County Counsel; Gary Kubic;)	JOANNE DUBOE; CHARLES A.
Philip A. Foot; C.E. Allen; Joanne Duboe;)	BUSH, MD AND SOUTHERN
Charles A. Bush; Southern Health Partners;)	HEALTH PARTNERS, INC.
P. J. Tanner; J. Garcia; Michael M. Hatfield; and)	
Unnamed Deputy Sheriffs,)	
)	
Defendants.)	
)	

The Defendants, Joanne Duboe, Charles A. Bush, MD, and Southern Health Partners, Inc., (hereinafter referred to as SHP) answering the Complaint of the Plaintiff, allege and show unto this Honorable Court as follows:

1. Each and every allegation of the Complaint not hereinafter admitted or modified is denied.
2. These Defendants deny the allegations of the preamble paragraph alleging that the Defendants, one through nine, acted in concert with one another to violate the Constitutional rights of the Plaintiff.
3. As to the allegations of paragraph one, the only information that these Defendants have in regard to said allegations are that the Plaintiff entered the Detention Center with a broken right hand.
4. The Defendants admit, upon information and belief, the allegations of paragraph two that allege Plaintiff was seen at the Hilton Head Medical Center ER where x-rays of his hand were made. As to the remaining allegations, these Defendants do not have sufficient information as to form a belief and therefore deny the same.
5. The Defendants deny the allegations of paragraphs three and four of Plaintiff's Complaint, these being the remaining allegations thereof.

FOR A FURTHER DEFENSE

6. Plaintiff has failed to state a claim upon which relief can be granted as a result of which this case should be dismissed pursuant to Rule 12(b)(6).

FOR A FURTHER DEFENSE

7. That the medical staff of the Beaufort County Detention Center always responded to the medial needs of the Plaintiff when said Plaintiff demonstrated such need to a member of the medical staff. That at no time did any member of the medical staff exhibit deliberate indifference to any severe illness or medical problem of the Plaintiff but, on the contrary, attended to his care and treatment well within the standard of care for those nurses and physicians in like situations and under similar circumstances.

FOR A FURTHER DEFENSE

8. That the Plaintiff has failed to exhaust his administrative remedies under the Prison Litigation Reform Act of 1995 as amended and, therefore, the said cause of action should be dismissed.

FOR A FURTHER DEFENSE

9. That Plaintiff has failed to allege deliberate indifference by the medical staff in their care and treatment of him and therefore the said action should be dismissed.

WHEREFORE having fully answered the Complaint, the defendants, JoAnne Duboe, Dr. Charles Bush and Southern Health Partners, Inc., prays that the same be dismissed with prejudice and for the costs of this action, and for such further relief as to this Court may deem just and proper.

HALIO & HALIO
Attorneys for Defendants
JoAnne Duboe, Dr. Charles A. Bush and
Southern Health Partners, Inc.



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This 7th day of November, 2007

Charleston, South Carolina